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**REGISTERED POST  
HAND DELIVERY  
AFFIXATION ON PROPERTY**

**ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(Erstwhile KOLKATA PORT TRUST)**

(Appointed by the Central Govt. Under Section 3 of Act 40 of 1971-Central Act)  
Public Premises (Eviction of Unauthorized Occupant) Act 1971

**OFFICE OF THE ESTATE OFFICER**

6, Fairley Place (1st Floor)

KOLKATA - 700 001

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Court Room At the 1<sup>st</sup> Floor  
of Kolkata Port Trust's  
Fairlie Warehouse  
6, Fairley Place, Kolkata- 700 001.

REASONED ORDER NO. 7 DT 14-02-2023  
PROCEEDINGS NO. 507/L of 2022

**SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
(Erstwhile Board of Trustees' for the Port of Kolkata)**

-Vs-

**Shri Chauhan & Sri Md. Islam**

**F O R M - "B"**

**ORDER UNDER SUB-SECTION (1) OF SECTION 5 OF THE PUBLIC  
PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

WHEREAS I, the undersigned, am satisfied, for the reasons recorded below that **Shri Chauhan & Sri Md. Islam, Qtrs.6 Block No. D at K.F. Shipping Mazdoor Line P.S. South Port Police Station. Kolkata- 700 023** is in unauthorized occupation of the Public Premises specified in the Schedule below :

**REASONS**

- 1) That no reply to the Show Cause notice is filed by O.P.s
- 2) That nothing has been shown in support of O.P.s' occupation into the public premises.
- 3) That no evidence has been laid to support the possession of O.P.s as "authorized possession/ occupation".
- 4) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question.
- 5) That O.P.s' occupation is unauthorized in all respect and O.P.s have failed to make out any case in support of his occupation.

*[Handwritten signature]*

By Order of:  
**THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT**

CERTIFIED COPY OF THE ORDER



(2)

A copy of the reasoned order No. 7 dated 14.02.23 is attached hereto which also forms a part of the reasons.

NOW, THEREFORE, in exercise of the powers conferred on me under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, I hereby order the said **Shri Chauhan & Sri Md. Islam, Qtrs.6 Block No. D at K.F. Shipping Mazdoor Line P.S. South Port Police Station. Kolkata- 700 023** and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said **Shri Chauhan & Sri Md. Islam, Qtrs.6 Block No. D at K.F. Shipping Mazdoor Line P.S. South Port Police Station. Kolkata- 700 023** and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

#### SCHEDULE

Qtrs.6 Block No. D at K.F. Shipping Mazdoor Line P.S. South Port Police Station. Kolkata- 700 023 is butted and bounded in the manner as follows :

On the North by : K.F. Shipping Quarters  
On the South by : K.F. Shipping Quarters  
On the East by : K.F. Shipping Drain  
On the West By : Mosque

Date-

17 FEB 2023

*Pavonita Anwar Begum*  
Signature & Seal of the  
Estate Officer.

SERVICE TO THE SYAMA PRASAD MOOKERJEE PORT, KOLKATA, (SMP.KOLKATA) (ERSTWHILE BOARD OF TRUSTEES' FOR THE PORT OF KOLKATA) THROUGH ESTATE MANAGER, (SMP.KOLKATA) AT 6, FAIRLIE PLACE WAREHOUSE, 2<sup>nd</sup> FLOOR, KOLKATA-700 001

By Order of:  
THE ESTATE OFFICER



## Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA

Appointed by the Central Govt. Under Section 3 of the Public Premises  
(Eviction of Unauthorised Occupants ) Act 1971

Proceedings No. 507/L Of 2004 Order Sheet No. 08

### BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA

VS

Sri CHAUHAN & SRI MD ISLAM.

07  
14-02-2023

#### FINAL ORDER

The matter is taken up today for final disposal. Relevant facts are required to be put forward in a nutshell in order to understand the chain of events leading to the proceedings. It is the case of Syama Prasad Mookerjee Port, Kolkata hereinafter referred to as SMP,K, (erstwhile Kolkata Port Trust) applicant, herein, that all along SMP,K is the owner of the of Quarter No 6 Block no. D at K.F.Shipping. The said quarter was under lock and key since 4.06.1997. On or about 02.07.1999, one Sri Chauhan, the Opposite Party No. 1 hereinafter referred to as O.P. No. 1 forcibly occupied the above quarters by breaking open the padlock and has since been living in the quarters unauthorisedly. An application was filed by SMPK on 24.01.2000, praying for eviction of O.P. Forum on the basis of the information issued a Notice to Show Cause under Section 4 of the Public Premises (Eviction of Unauthorised Occupant) Act, 1971 (hereinafter referred to as The Act) on 21.12.2020. Vide application dated 21.12.2020, it was submitted by SMPK that the quarters in question is presently under the occupation of one Md. Islam, Opposite Party No. 2 hereinafter referred to as O.P. No. 2 and prayed for drawing up of eviction proceedings against him. The said Show Cause notice along with the order dated 21.12.2020 were sent through "Speed Post". The

By Order of:  
THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

Head Assistant  
OFFICE OF THE LD. ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

**Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

Appointed by the Central Govt. Under Section 3 of the Public Premises  
(Eviction of Unauthorised Occupants) Act 1971.

APPOINTED BY THE  
Proceedings No. \_\_\_\_\_  
U/S 3 OF

507/L Of 2004 Order Sheet No. 09

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

VS

Sri CHAUGHARI Sri MD ISLAM.

OF  
16-03-2023

14.01.2021, that the door of O.P. was found closed. Due affixation was also made in the conspicuous part of the premises for notice to all concerned inspite of which none appeared for O.P. For the sake of natural justice vide order dated 08.02.2021 another chance was given to O.P. to represent his case before the Forum. The order was sent through Process Server. It is seen from the report of the Process Server dated 25.02.2021, that the party did not allow the Process Server to enter the premises as well as threatened assault and affixation was also not allowed on the premises. I am satisfied with the service of notice.

Inspite of having knowledge of the pending proceedings neither of the O.P.s nor anyone interested in the said property appeared before the Forum to place their submissions. No Reply to the Show Cause Notice has been filed by O.P. or any other person interested on the property. In view of the above, I am left with no other alternative but to issue order of eviction as prayed for on behalf of the Port Authority. I have no reason to disbelieve on the statements made by SMP,K before the Forum. Accordingly the order of eviction is issued on the following grounds/ reasons;

(a) That no Reply to the Show Cause has been filed by O.P.s or anyone else

(b) That nothing has been shown in support of O.P.s' occupation in

By Order of:

THE ESTATE OFFICER



**Estate Officer, SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

Appointed by the Central Govt. Under Section 3 of the Public Premises  
(Eviction of Unauthorised Occupants ) Act 1971

Proceedings No. 507/L Of 2004 Order Sheet No. 10

**BOARD OF TRUSTEES OF SYAMA PRASAD MOOKERJEE PORT, KOLKATA**

**VS**

Sri CHAUHAN & SRIMD ISLAM

07  
14-02-2023

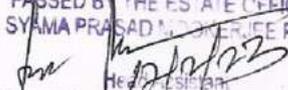
- (c) That no evidence has been laid to support the possession of O.P.s as "authorised possession/occupation"
- (d) That mere occupation into the quarters for a certain period without any authority for such occupation cannot create any right over the property in question;
- (e) That O.P.s' occupation is unauthorised in all respect and O.P. has failed to make out any case in support of his occupation.

Accordingly, Department is directed to draw up a formal order of eviction u/s5 of the Act and Rules made thereunder against O.P., giving 15 days time to all the occupants of the quarters in question or whoever may be in occupation are liable to be evicted by this Order and SMP,K is entitled to claim damages for unauthorised use and occupation of the public premises upto the date of recovery of possession in accordance with law.

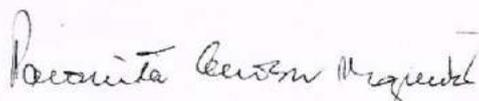
All concerned are directed to act accordingly.

By Order of:  
**THE ESTATE OFFICER**  
SYAMA PRASAD MOOKERJEE PORT

CERTIFIED COPY OF THE ORDER  
PASSED BY THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

  
Head of the Office  
OFFICE OF THE ESTATE OFFICER  
SYAMA PRASAD MOOKERJEE PORT

GIVEN UNDER MY HAND AND SEAL

  
(Paromita Ghosh Majumdar)

Estate Officer